

*Protest*

# PROTEST

OF

EARL FITZWILLIAM,

IN THE

HOUSE OF LORDS.

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1795.

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## PROTEST.

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DIE VENERIS, MAY 8, 1795.

THE Order of the Day being read for the Lords to be summoned—

MOVED, That an humble Address be presented to His Majesty, that he will be graciously pleased to direct, that there be laid before this House, such part of the Correspondence between His Majesty's Ministers, and Earl Fitzwilliam, late Lord Lieutenant of Ireland, as relates to the motives and grounds of his recal from the Government of the said Kingdom, during a Sessions of Parliament, in which the two Houses of Parliament had voted their confidence in him,  
and

and the approbation of his conduct, and, with a munificence unexampled, had granted supplies for the general exigencies of the State.

Which being objected to, after a long debate, the question was put thereupon—

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RESOLVED in the Negative.

DISSENTIENT.

1. Because the removal, in the midst of a Session of Parliament, of such an Officer of the Crown, as a Lord Lieutenant of Ireland, the immediate and sole representative of Majesty in that Kingdom, under the circumstances, is singular, perhaps unprecedented. The effects of that bold and unusual measure, especially in the present critical state of affairs, cannot be indifferent. It is a fact notorious,



rious, and not contradicted, that the House of Lords and the House of Commons, in that Kingdom, did, at the moment of his recal, directly and explicitly, in a solemn vote and resolution of each House, declare their confidence in the Lord Lieutenant. It is a fact equally notorious, and equally uncontradicted, that these votes of confidence from both Houses of the Irish Parliament, were in perfect conformity to the opinion and wishes of all descriptions of the people of that nation.

2. Because a strong charge of malversation in office, supported by clear proof or strong presumption, ought to be produced to weigh against those solemn testimonies of a Parliament, and those declared opinions of a people, and to justify a proceeding, the inevitable tendency of which is to produce dissatisfaction and discord amongst His Majesty's subjects in that Kingdom. That the proceeding itself is within the prerogative, there is no doubt; but there is no doubt also, that this House is competent to an enquiry into all advice given to the Crown with regard to the use of that prerogative; and that it is  
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its duty to make such enquiry in any event by which His Majesty's honour or interest, or the tranquility, concord, and union of His empire, and its common effort against its common enemy, may be effected.

3. Because, as the Peers are bound for their own honour to examine with a more strict scrutiny into the conduct, and to animadvert with greater severity on the misdemeanors of those of their own body, so they owe a peculiar protection to such Peers, as, on enquiry, they shall find, in the exercise of the high prerogatives of the Crown, to have demeaned themselves uncorruptly, to the satisfaction of the people, with a diligent attention to the functions of their charge, and with duty, zeal, and fidelity to their Sovereign.

4. Because Earl Fitzwilliam, the Lord Lieutenant, removed in so unprecedented a manner, did voluntarily solicit in this House, the production of all such documents, as might furnish matter for a full and impartial enquiry into his conduct; that as the case  
might

might appear, he might subject himself to the animadversion, or entitle himself to the protection of this House. No valid reasons for secrecy have been alledged. Delinquency is no proper object of secrecy, on the one side or the other : nor can any depending measure of Government be affected by a disclosure of that delinquency. The act is executed. If these vague general allegations of secrecy may be urged, to prevent enquiry, Peers may be affected with suspicions utterly ruinous to their reputation with regard to the matters of highest trust, without any possibility of clearing themselves.

5. Because it appeared in the course of the debate, without any attempt to contradict it, that the Earl aforesaid did actively and effectually promote the service of the Crown, and the public interest in Ireland, by encouraging through all fitting means, and discouraging by none, the zeal and affection to his Majesty of his parliament of Ireland; by obtaining without delay, and with great unanimity, a vote of more than forty thousand men; by which the internal force of that Kingdom was  
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more than doubled; and by obtaining also a vote of two hundred thousand pounds for the better manning the navy of Great Britain—the first vote of the kind in the present war, and double to the sole example of the supply of the same kind, voted in the Irish Parliament in the year 1782, as an acknowledgment of the vast and important concessions in legislation, commerce and judicature, then made by the Parliament of Great Britain; both those supplies to the service of Great Britain were moved by Mr. Grattan, confidence in whom, has been imputed as blame to Earl Fitzwilliam; though in the debate nothing was alleged to shew that this distinguished person, called to his confidence and councils, had ever, during Lord Fitzwilliam's Government, made any other use of the estimation in which he is held in his country, than to perform this, and other similar services to his Majesty's Government; and to reconcile the minds of his fellow-subjects of that Kingdom, to bear the burthens brought on by these services with chearfulness, and to co-operate with alacrity and unanimity, in every means of giving them their full effect.

6. Because



6. Because it does not appear that the Earl in question, during his administration in Ireland, did in any degree, or in any manner, subvert, impair, or weaken any one of the legal prerogatives of the Crown, or abuse them to the prejudice of the subject, in any instance whatsoever. That in the arrangements proposed with regard to office, either in removals or appointments, it does not appear that the efficacy of his Majesty's Government, or the popularity of his Majesty's measures, were at all impaired; or the unanimity and harmony of the nation disturbed; or the confidence in his Majesty's Government, as administered by him, in any degree whatsoever, lessened. To the great objects of Government, all official arrangements ought to be subservient; and by their effects on those objects it is to be determined whether the discretionary powers with regard to official arrangements necessarily invested in his Majesty's Ministers, have been in any instance properly or improperly employed.

7. Because the unanimity and zeal in his Majesty's service, which appeared throughout

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that Kingdom, was owing to the hope held out that such arrangements as the late Lord Lieutenant proposed, would take place, namely, that such as tended to demonstrate that those in whom the nation reposed much confidence, had obtained the confidence of his Majesty's Chief Governor, and that those who had the misfortune not to obtain the public confidence, or at least not to obtain it in the same degree, were not to be predominant in the efficient offices in the Kingdom.

8. That it did appear in the debate, that incapable or obnoxious men, or men of no lead or importance in their country, and therefore unqualified for rendering effectual service to his Majesty, were the objects of choice in those arrangements.

9. Because it did not appear in the debate, that any harsh or vindictive spirit was manifested in any proposed removals: as the most large and liberal consideration was observed to the dignity, the feelings, and the interests of the parties concerned.

10. Because it did not appear in the debate,  
that

that this provision was considered in the light of a corrupt and prodigal bargain; but that the people at large, regarded it in a contrary light: It appears, that the estimation of that Government was rather increased than impaired by the whole of those intended measures: and it is asserted and supported by abundant proof, that the defeat of those arrangements, with all their consequences, has excited a considerable discontent amongst the people of Ireland.

11. Because the persons who, on account of their general estimation in their country, were taken into the confidence of the late Lord Lieutenant, had, previously to his Government, given the most striking and unequivocal proofs of their attachment to Great Britain, of their power of subduing all their own private feelings; and of sacrificing to his Majesty's service no small part even of their known animosities upon public differences, by supporting, out of office and out of confidence with the then Rulers, the cause of British Government in a very marked and distinguished manner.

12. Because it appeared in the debate, that  
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one of the matters of discussion between his Majesty's confidential servants in England and the said Lord Lieutenant, had arisen on occasion of a Bill intended to be introduced into the Parliament of Ireland by Mr. Grattan, "*For the further Relief of his Majesty's Catholic Subjects in that Kingdom.*" Of subjects to be agitated in the Parliament of that Kingdom, this House can take no cognizance; but they may take cognizance of the conduct of a British Peer, Member of this House and representing his Majesty, for his conduct in his Majesty's service, in any part of his dominions. If the late Lord Lieutenant gave countenance to any measure repugnant to that service, and in defiance to that authority, and positive instructions given by his Majesty's Ministers here, it forms a matter of Constitutional discussion in this House.—Upon that point Earl Fitzwilliam has alleged, that he is ready to put himself upon the judgement of this House; for he contends, that the Motion for leave to bring in such a Bill (which he admits to have been made at his express desire) did not afford cause of alarm or apprehension in any manner whatever. He contends, that the principle of such a Bill

was highly conformable to other former proceedings known to be countenanced by his Majesty's Ministers, nor does it appear by any thing alleged in the debate, that the countenance understood to be given by the late Lord Lieutenant for a further relief, could be a just ground for his removal; when a recommendation from the Throne itself, by his predecessor the Earl of Westmoreland, in the year 1793, for advantages of infinitely greater extent, that is to say, a general capacity for all offices and franchises (about thirty offices, and seats in Parliament only excepted) has been made matter of merit.

13. Because it appears from several years past to have been the policy of his Majesty's British Councils with regard to Ireland, and of the Parliament of that Kingdom, to remove the several civil restraints which had been made in consequence of religious differences; for all offices had been opened to Protestant Dissenters, without any limitation whatever, by the repeal of the Test in that Kingdom, in the year 1779, 19th and 20th of his Majesty, chap. vi. From those Dissenters no Test whatever was  
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exacted, in lieu of that from which they were exonerated. But for the Catholics, by an Act of the 13th or 14th of his present Majesty, chap. xxxiv. a Test Oath was proposed, for ascertaining the allegiance and fidelity of Catholics, as such. About four years after, that is, in the year 1777-8, 17th and 18th of George III. chap. xlix. in consequence of this oath, a strong Legislative Declaration was made, in which the principle, which had been gradually followed up by subsequent Acts, is strongly and decidedly affirmed; for the preamble of that Act, after stating certain penalties and incapacities under which the Catholics did then labour, thus proceeds: "Whereas, from their uniform peaceable behaviour for a long series of years, it appears reasonable and expedient to relax the same; and it must tend, not only to the cultivation and improvement of this Kingdom, but to the *prosperity and strength of ALL his Majesty's dominions*, that his subjects of *ALL* denominations, should enjoy *the benefits of our free Constitution, and should be bound to each other by mutual interest and mutual affection.*" Soon after, that is, on the 21st and 22d of his present Majesty, chap. xxiv. it was again declared,



clared, that Catholics, on taking the Test Oath aforesaid, “ ought to be considered as good and loyal subjects to his Majesty, his Crown, and Government; and that the continuance of the laws formerly enacted, and then in force, against persons of the Popish Religion, are therefore unnecessary, in respect to those who have taken or shall take the said oath, and is injurious to the real welfare and prosperity of the Kingdom of Ireland.” Nothing can be more clearly laid down than the principle upon which the several acts of relief from the first year of relaxation, virtually beginning so early as the year 1773, twenty years before the passing the large Capaciating Act of the year 1793, was grounded, namely, the recognized allegiance, and reciprocal right to protection, held out upon taking this and other Test Oaths. It was plain that the policy of the Legislature was, to affirm the principal as largely as possible, and to make the capacities follow (as they have practically followed) gradually, according as favourable occasions should offer. These Acts have always been understood to have emanated originally from his Majesty’s gracious disposition, and to have proceeded

ceded to the Government of Ireland, through the British Cabinet. If these Tests could not be deemed a security in the reserved cases, it is impossible to assign a reason why they were deemed a security in the hundreds of others, to which a capacity was opened by the Act of 1793. The incapacitating reserves, in the Act of 1793, like those of the former Acts, proceeding (though more slowly) upon the same declared policy, evidently were not made upon their own declared principle. They were made in the regular progress of a system of enlargement, in order to compromise with the spirit of monopoly. But, it is asserted by Earl Fitzwilliam, and nothing without enquiry can effectually contradict the assertion, that, whilst in reality the restrictions gave satisfaction to none, they caused discontent in many.—The Protestants regarded these exceptions with total indifference.—The Catholics looked on them as signs of suspicion and degradation: they considered them as marks (contrary to the declared policy of the Acts contrived to be set upon them by their enemies, to distinguish them as bad subjects and bad citizens. The proceedings of their enemies leave in  
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their minds no doubt, that these tokens of reprobation are kept as pretexts for affronts, contumelies, and injuries of all kinds; and for practically depriving them of most of the benefits of those capacities which the law seemed to hold out to them.

14 Because it is alleged, that a Bill for further relief was publicly known, as likely to be in agitation before the departure of the Lord Lieutenant from England; that he had no instruction whatever directly to oppose it, though an opinion was expressed that it had better be delayed for a time of greater tranquility; but the expediency of giving support to it was a matter left to his discretion, as, in the nature of things, it necessarily would be, on any subject, the principle of which was admitted, the fitness of the time being the only point of doubt, and which could only be decided by existing circumstances.

15 Because it is offered in proof, that the late Lord Lieutenant was diligent in the search, and prompt in the communication to Ministers of every information on the subject. That he soon found, that all hopes of putting

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ting off the question was impracticable—that he had reason to think the present time, for carrying the principles of the Acts of 1792 and 1793 to their full object, to be, of all others most favourable—that he found the relief to be ardently desired by the Catholics; to be asked for by very many Protestants, and to be cheerfully acquiesced in by almost all—that this circumstance removed the difficulties, on which the postponing the question could alone be desired—that he found the delays had created much suspicion and uneasiness amongst the Catholic Petitioners, who were numerous almost beyond all example—that he found a Bill on those Petitions would infallibly and speedily be brought into Parliament, and that many Members were desirous to introduce it; and, if this were the case, the measure might come into hands with which neither he nor the King's Ministers had any connection, which would leave with Government only the disagreeable part of altering or of modifying, if any alteration or modification had been thought necessary by the British Government, depriving his Majesty thereby of the whole grace and effect of what was done: That in this unpleasant situation he sent for Mr Grattan, and desired him,



him, as a person in his confidence, and who would act on the occasion according to what he and the Ministers, in their prudence, might suggest. That Mr. Grattan did consent, and did, at his desire, move for leave to bring in a Bill for the further relief of the Roman Catholics. That the *motion for leave* was received with little discussion, and without any division. That *no bill on the subject was in fact brought in*—and that ministry were informed, that none would be brought in without their knowledge: nor until of late, and after Lord Fitzwilliam's departure, was such a thing attempted. That the then Lord Lieutenant communicated largely all his ideas on the subject. That whilst the proposed bill was not yet introduced into the House of Commons, and whilst he was obeying their instructions, with regard to informations and opinions, he was suddenly removed, with the strongest marks of displeasure and disgrace. That on this state of things, no sufficient reason appears to exist, in this measure, any more than in the business of arrangements, for the unusual and alarming step of disgracing a Lord Lieutenant in the middle of a Session of Parliament, in which the business of his Majesty, and of the whole Empire (as



far as that kingdom could operate in it) was carried on with unusual unanimity and success, and with a very great concurrence without doors of all orders and descriptions of men. It is a step for which, on the debate, nothing was said to make it appear justifiable, and to render an enquiry concerning it unnecessary.

And the said Earl Fitzwilliam, moreover protesting for himself, and on his own part, declares, that this house refusing such necessary investigations, he doth conceive and feel himself injured and oppressed, as a British subject, as a Peer of Great Britain, and as a person who has exercised an high and very responsible trust under his Majesty. That he is not content merely to prove his innocence—that he was, and is ready to make it appear to the House, and to his country, that in that trust he has acted faithfully, zealously, affectionately, dutifully, and diligently towards his Sovereign—that he has acted with attention and practicability towards his colleagues in office—that he has acted with an enlightened regard to the true interests of the nation, which, under his Majesty's authority, he was appointed to govern. That he stands upon the merit of his measures, and the prudence of his arrangements:

arrangements: that by them confidence was recovered to Government. That he stands, for the justice and the policy of removing the few, feeble, miserable, inefficacious, but invidious restrictions, that remain on the Catholics of Ireland, as wholly useless for any good purpose, but powerful in causing discontent, both with regard to Government and to Parliament; as furnishing handles of oppression to the malevolent, and as supplying pretexts for disorders to the turbulent and seditious. That he should have shewn a degree of incapacity, wholly to unfit him for his arduous trust, if he had acted on an idea, that the politics of this time, or that the present, or probable future interests of states, do at all depend upon questions, whether of doctrine or discipline, either as agitated between Catholics and Protestants, or as agitated by Protestants amongst their several subdivisions. The Church and State have enemies very different, and infinitely more formidable, than any which have their origin in any religious parties. He has for some time been persuaded, but most clearly so since he went to Ireland, that by good management the dangerous principles and tempers of the times, which have another

and more recent origin, may be kept from taking root either in the Church of Ireland, there happily established; or in the Presbyterian Church, in communion with that of Scotland; or in the Church of the old natives of Ireland, communicating with that of Rome; or in any other religious sect whatever; but that through intemperate, vexatious, corrupt, or oppressive conduct, every one of these descriptions may be infected with this evil, in greater or lesser degree of extent and malignity, according to the degree of oppression or indiscretion, with which they are severally treated. He was, and is convinced, that the best mode of resisting this reigning danger, either from within or from without, is not to be found in a plan for reviving, by art and influence, prejudices and heart-burnings expired, or ready to expire, or of sowing the seeds of eternal discord and division between the people. During his Government he had nothing to complain of the dispositions of any religious description as such; and his principles of government led him to cultivate the union which he plainly saw of itself commencing between them. It was his constant endeavour, by every means, to combine the minds of every sort of men,

men, Churchmen, Presbyterians, and Catholics, of every the least proportion of education, talent, influence, or property, in affection to their common Sovereign; to combine them in one bond of common interest, and in one common effort against our common enemies, the known enemies of all religion, all law, all order, and all property. He has had the happiness of seeing all this completely accomplished. An unexampled concord amongst the people; an unexampled zeal for the support of the Crown had taken place: but he is not responsible for the effects of a system, which proceeds in a contrary direction to that which he pursued; he is not responsible for the effects of a system which supports men in whom the public has little confidence, and contumeliously rejects the service of those who have obtained the good opinion of their country—a system which endeavours to supply a comparative defect of ability, by an unmeasured increase of influence—a system which rejects the opinion and information of persons in high and responsible situations, and listens to the interested representations of subordinate office—a system, which inverting the whole order of things,



things, introduces anarchy into the very seat of government, by publicly and avowedly supporting the instruments against the agent—a system, which finding the body of the people disposed to look to the Crown as their security against oppression from domestic factions, employs all its influence, power, and authority to support those very factions against the people who fly for refuge to the Crown. For the opposite system, he has suffered the unparalleled mark of displeasure which has been shewn to him. He is willing to suffer more, rather than abandon it. He will remember, with a warm and lasting gratitude, and a cordial attachment, the weighty persons in Parliament, and all the respectable bodies and individuals by whom he was generously encouraged, and honorably supported in a different plan of government, from that which derives its support from the corruption of one part of the people, and the depression of the other.

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